

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-3730-PA (SP)	Date	March 29, 2013
Title	KELLY J. DANIELS v. L.A. COUNTY SHERIFF'S K-9 UNIT, et al.		

Present: The Honorable Sheri Pym, United States Magistrate Judge		
Kimberly I. Carter	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:	
None Present	None Present	

Proceedings: (In Chambers) Order to Show Cause Why Case Should Not Be Dismissed for Failure to Prosecute

Under paragraph nine of the court's July 31, 2012 Case Management and Scheduling Order, each party, either individually or jointly, was required to file a status report no later than December 21, 2012. That date was subsequently extended to January 18, 2013. Defendants complied with this order through a status report filed on that date. But plaintiff failed to comply.

In light of that failure, on February 6, 2013, the court issued an Order to Show Cause why sanctions should not be imposed for failure to comply with a court order. Plaintiff was specifically ordered to respond to the Order to Show Cause by February 20, 2013, and to file his status report by February 20, 2013. Over a month has passed since that deadline, and plaintiff still has not responded to the February 6, 2013 Order to Show Cause, nor has plaintiff filed his status report. Plaintiff is therefore in violation of both the court's Case Management and Scheduling Order, and the court's February 6, 2013 Order to Show Cause.

Plaintiff in fact has not communicated with the court in any fashion since November 6, 2012. In addition, as separately recounted in the Order Granting Defendants' Motion to Compel being issued this day, plaintiff has also utterly failed to respond to defendants' discovery requests up to this point. Thus, it appears that plaintiff no longer intends to prosecute this action. Plaintiff's failure to comply with the court's orders renders this action subject to dismissal for failure to comply with a court order and failure to prosecute.

Accordingly, by **April 12, 2013**, plaintiff is **ORDERED TO SHOW CAUSE**, in writing, why this action should not be dismissed for failure to prosecute and/or comply with a court order. **Plaintiff is cautioned that his failure to timely file a response to**

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this Order to Show Cause will be deemed by the court as consent to the dismissal of this action without prejudice, and this case may be dismissed for failure to prosecute and/or failure to comply with a court order.